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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/941,606

Filing Date: August 30, 2001

Appellant(s): ERICKSON ET AL.

Randy A. Noranbrock (Reg. No.: 42,940)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 08/09/2007 appealing from the Office action
mailed 07/28/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

PUB. NO.: US

SHEAR et al.

11-2001

2001/0042043 A1

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub.

No.: US 2001/0042043 of SHEAR et al. (hereinafter Shear).

With respect to claim 1, Shear teaches a secure electronic media container for storing, transporting (a secure software container can be used to protectively encapsulate various digital property content and control object information: see abstract, lines 17-21) and/or providing a rights management interface to electronic media content (a rights management for storage media or electronic media container such as DVD having electronic media content stored on it: abstract, sections 0054 and 0056), said container having said electronic media content stored therein and data (providing rights management and protection techniques that satisfying the limited copy protection such as for DVD media: sections 0031 and 0047), external of but attached to or otherwise associated with said container, representative of the media handler and/or a rights management mechanism required to open and play said content (rights management

technique has function for copy protection and including a secure software container, media handler for handling or protecting encapsulate by cryptographic techniques, abstract and sections 0031, 0041 and 0051 copy protection and rights management are applied in DVD media such as accessing on or read or write on the DVD media: sections 0047-0049 and 0054 and play the music or movie being recorded on the DVD media: sections 0062-0067).

With respect to claim 2, Shear teaches means for determining from said external data what, if any, digital rights management mechanism was used to package said content and for retrieving or otherwise accessing an appropriate digital rights management handler accordingly (rights transfer and other rights management on DVDs' media: Page 7, right column, 0077-0078);

means for passing said content through said digital rights management handler (delivering the content via the copy protection and rights management: Page 4, left column, 0047 and 0051);

means for determining from said external data the media handler required to access and handle the content and for retrieving or otherwise accessing an appropriate media handler (depending on the platform, there are different key management and access techniques to the DVD media: Page 7, right column, 0078);

means for passing said content through said media handler (delivering the content via the copy protection and rights management: Page 4, left column, 0047 and 0051).

With respect to claim 3, Shear teaches a secure container containing media content having attached or otherwise bound thereto metadata which is universally readable and/or decipherable and describes the underlying media format and digital rights management mechanism(s) employed to package the content (see abstract, Page 4, section 0051-54).

With respect to claim 4, Shear teaches wherein the metadata describing the underlying media format encapsulates the content itself (encapsulating such as encrypting or cryptographic techniques: Page 4, section 0051-0054).

With respect to claim 5, Shear teaches wherein the metadata describing the underlying media format includes a remote network resource address at which the content itself is stored (metadata storing in the storage media including information about the storage: Page 15, left column sections 0213-0215; also see Page 4, left column 0051; also see figs. 7, 9 and 12 and Page 7, left column, 0072).

With respect to claim 6, Shear teaches wherein said metadata includes descriptive metadata relevant to said content and/or a reference to a resource location of a format specification and/or a reference to the location of a "rendering" code registry (Page 16, left column sections 0220-0221).

With respect to claim 7, Shear teaches wherein said metadata describing the digital rights management mechanism(s) employed to package the content may refer to an installed component on a local system or a remote component or network service (Page 24, left column, sections 0343-0347 and right column, sections 00351-0354;).

Claim 8 is essentially the same as claim 2 except that it is directed to a method rather than an apparatus, and is rejected for the same reason as applied to the claim 2 hereinabove.

With respect to claim 9, Shear teaches wherein the data are external and attached to the container (sections 0220 and 0284-0285).

With respect to claim 10, Shear teaches determining from said external data what, if any, digital rights management mechanism was used to package said content and for retrieving or otherwise accessing an appropriate digital rights management handler accordingly (protecting the data on the media by re-distributing rights protected digital content from reading, retrieving, copying such as read-only on the DVD: sections 0043 and 0046-0047);

passing said content through said digital rights management handler (sections 0052 and 0054); and

determining from said external data the media handler required to access and handle the content and for retrieving or otherwise accessing a content and for retrieving or otherwise accessing an appropriate media handler (sections 0122-0123 and 0287).

With respect to claim 11, Shear teaches the steps of reading the external data and determining what, if any, digital rights management mechanism was used to package said content, retrieving or otherwise accessing an appropriate digital rights management handler accordingly (sections 0043 and 0046-0047);

passing said content through said digital rights management handler, reading the external data (sections 0052 and 0054); and

determining the media handler required to access and handle the contents, retrieving or otherwise accessing the determined media handler and passing said content through said media handler (sections 0122-0123 and 0287).

(10) Response to Argument

Claim Rejections - 35 USC § 112

3. Regarding claim 1, the phrase "and/or" in line 1 and line 4 of claim 1, renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Argument (claim 1 and 9):

Shear fails to anticipate claim 1 as Shear fails to disclose "a secure electronic media container having electronic media content stored therein and data external of the container and representative of the media handler and/or a rights management mechanism required to open and play the content."

Response:

Shear et al. (hereinafter Shear) teaches using the digital rights management for electronic information made available through broadcast and/or network downloads and/or use of non-portable storage media or in combination with portable media (optical media such DVDs) (paragraph 0003). "DigiBox" secure container for DVD (see fig. 7) is a electronic media content including an external reference to video title content (paragraph: 0283-0284); controlling/accessing the content of electronic media content should open DigiBox secure container or playing the DVDs based on the requirements or by incorporating rights management protection (paragraphs 0062, 0067-0069). Also,

Shear teaches providing rights management and protection techniques that satisfying the limited copy protection such as for DVD media (sections 0031 and 0047); rights management technique has function for copy protection and including a secure software container, media handler for handling or protecting encapsulate by cryptographic techniques, abstract and sections 0031, 0041 and 0051copy protection and rights management are applied in DVD media such as accessing on or read or write on the DVD media: sections 0047-0049 and 0054 and play the music or movie being recorded on the DVD media: sections 0062-0067).

Argument: (claim 5):

Shear fails to disclose, "wherein the metadata describing the underlying media format includes a remote network resources address at which the content itself is stored."

Response:

In fig. 3's, the metadata describing controlling information for the media and information for content (paragraphs 0213-0215 and 0220).

Argument (claims 2, 8, 10 and 11):

Shear fails to disclose "reading the external data and determining the media handler required to access and handle the contents, retrieving or otherwise accessing the determined media handler, and passing said content through said media handler."

Response:

In the rights management techniques, it provides secure extraction data, as well as reading/accessing the data content for use in the rights management, converting

passing and copying and many forms of copyright infringement (paragraphs 0069, 0074, 0078-0080; also see paragraphs 0107, 0132, and 0180-0181 and fig. 2A-2B).

(11) Related Proceeding(s) Appendix

Copies of the court or Board decision(s) identified in the Related Appeals and Interferences section of this examiner's answer are provided herein.

(ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER dated 04/12/2007)

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Anh Ly 

Patent Examiner

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SEP. 7th, 2007

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